



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. [MD] .No.6316 of 2017

C.Dhamodharan

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary,
Secretariat, Fort St. George, Chennai - 9.
- 2.The Principal Secretary to the Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai - 9.
- 3.The Principal Secretary to the Government,
Department of Health and Family Welfare,
Secretariat,
Fort St. George,
Chennai -9.
- 4.MD India Healthcare Services (TPA) Pvt. Ltd.,
Rep. By its Senior Manager - Operations,
Project Head - TNNHIS 2012 & 2013 Projects,
No.27, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai, Mylapore, Chennai.
- 5.Star Health & Allied Insurance Co Ltd.,
Rep. By its Senior Manager,
Old No.64A, New No.2a, Ganga Nagar Road,
Kodambakkam,
Chennai -24.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to strictly implement the New Health Insurance Scheme as a 'Cashless Scheme' in all the hospitals throughout the State of Tamil Nadu by preventing the demand of medical expenses at the time of admission in the hospitals from the beneficiaries within the time period stipulated by this Court.



For Petitioner : Mr.S.Rajasekar
For R-1 to R-3 : Mr.M.Govindan,
Special Government Pleader
For R-4 & R-5 : No Appearance

WEB COPY

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition in *pro bono publico* seeking a direction to the respondent Nos.1 to 3 to implement the New Health Insurance Scheme as a 'Cashless Scheme' in all the hospitals throughout the State of Tamil Nadu by restraining the hospitals from demanding medical expenses at the time of admission.

2. The petitioner is a beneficiary of the New Health Insurance Scheme taken by his wife, who is a Government Servant. The petitioner was admitted, to undergo surgery for double valve replacement, at K.G.Hospital in Coimbatore.

3. It is the case of the petitioner that he was made to run from pillar to post on the ground that he has to pay 50% of the surgery expenses in advance. Though the New Health Insurance Scheme provides for reimbursement of the entire treatment expenses, the hospital claimed 50% of the expenses in advance. The petitioner, therefore, filed this Writ Petition with a view to enforce the New Health Insurance Scheme, strictly in accordance with the preamble to the Scheme and to ensure that such treatments are not meted out to other beneficiaries.

4. The Government of Tamil Nadu floated the New Health Insurance Scheme, in and by which, the treatment expenses of the beneficiaries would be reimbursed. Since the Insurance Scheme covers the entire treatment expenses, the petitioner is right in his contention that it would not be appropriate on the part of the nominated hospitals to demand 50% of the treatment expenses in advance. The failure on the part of the respondent Nos.1 to 3 to monitor the working of Insurance Scheme, appears to be the reason for collecting the amount by the private Institutions while admitting the beneficiaries for treatment. We are therefore of the view that appropriate direction should be issued to the second respondent.

5. The second respondent is directed to consider the representation submitted by the petitioner dated 30 August, 2016 and strictly implement the New Health Insurance Scheme purely as a 'Cashless Scheme' by directing the nominated hospitals not to demand part of the treatment expenses in advance. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The second respondent shall send a communication to the petitioner with respect to the action taken by him in the matter.



6. The Writ Petition is disposed of with the above direction.
No Costs.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (RECORD)

Sub Assistant Registrar

To

1. The Additional Chief Secretary,
State of Tamil Nadu,
Secretariat,
Fort St. George, Chennai - 9.
2. The Principal Secretary to the Government,
Finance Department, Secretariat,
Fort St. George,
Chennai - 9.
3. The Principal Secretary to the Government,
Department of Health and Family Welfare,
Secretariat, Fort St. George, Chennai - 9.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.71488

+1cc to M/s.T.LAJAPATHI ROY Advocate in SR. No.71051

PM

JS/GT/SAR.2/29.08.2017/3P-6C

Order made in
W.P. [MD] .No.6316 of 2017
Dated:07.08.2017